



PUBLIC NOTICE

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QUIET PERIOD FOR THE QWEST PHOENIX MSA FORBEARANCE PROCEEDING

WC Docket No. 09-135

Quiet Period Begins: June 8, 2010

On June 26, 2009, the Commission adopted the *Forbearance Procedures Order*,¹ which put in place procedural rules governing forbearance petitions under section 10 of the Communications Act of 1934, as amended.² Specifically, section 1.58 of the Commission's rules provides for a two-week quiet period before the statutory deadline for Commission action in forbearance proceedings, which thus begins one week before the voting deadline.³ As indicated in the *Forbearance Procedures Order*, this public notice announces the beginning of the quiet period.⁴

On March 24, 2009, Qwest Corporation (Qwest) sought forbearance from certain regulatory obligations within its service footprint in the Phoenix-Mesa-Scottsdale, Arizona Metropolitan Statistical Area (MSA).⁵ The date on which Qwest's forbearance petition shall be deemed granted, in the absence of

¹ *Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as Amended*, WC Docket No. 07-267, Report and Order, 24 FCC Rcd 9543 (2009) (*Forbearance Procedures Order*), http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-56A1.doc. All of the forbearance procedural rules are now effective. See *Notice of Effective Date of New Forbearance Procedural Rules*, Public Notice, 24 FCC Rcd 10937 (WCB 2009); *Notice of Effective Date of "Complete As Filed" Forbearance Procedural Rule*, Public Notice, DA 10-663 (WCB rel. Apr. 16, 2010).

² 47 U.S.C. § 160.

³ 47 C.F.R. § 1.58 (stating that "[t]he prohibition in § 1.1203(a) on contacts with decision makers concerning matters listed in the Sunshine Agenda shall also apply to a petition for forbearance for a period of 14 days prior to the statutory deadline under 47 U.S.C. 160(c) or as announced by the Commission"); 47 C.F.R. § 1.1203.

⁴ *Forbearance Procedures Order*, 24 FCC Rcd at 9560-61, para. 33.

⁵ *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area*, WC Docket No. 09-135 (filed Mar. 24, 2009) (requesting forbearance from certain unbundling, dominant carrier, and *Computer III* requirements) (Qwest Phoenix MSA Proceeding).

a Commission denial of the petition, is June 22, 2010.⁶ Based on this deadline, the quiet period for this proceeding **begins on June 8, 2010.**⁷

Section 1.58 extends the prohibition in section 1.1203(a) (governing contacts with decision makers concerning matters listed in the Sunshine Agenda) to petitions for forbearance “for a period of 14 days prior to the statutory deadline.”⁸ Accordingly, all presentations to decision makers concerning the Qwest Phoenix MSA Proceeding, whether *ex parte* or not, are prohibited during the two-week quiet period, beginning June 8, 2010.⁹

For further information, contact Denise Coca, Wireline Competition Bureau, (202) 418-0574, or Tim Stelzig, Wireline Competition Bureau, (202) 418-0942.

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⁶ Pursuant to section 10(c), the Commission’s Wireline Competition Bureau extended the initial one-year statutory period by an additional 90 days, from March 24, 2010 to June 22, 2010. *See Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area*, Order, 25 FCC Rcd 2110 (WCB 2010).

⁷ “Absent unusual circumstances, this quiet period will end with the release of a Commission order addressing the forbearance petition, or if approved by the Commission, withdrawal of the petition by the petitioner.” *Forbearance Procedures Order*, 24 FCC Rcd at 9561, para. 34.

⁸ *Id.* at 9561, para. 33 n.110; 47 C.F.R. § 1.58; 47 C.F.R. § 1.1203.

⁹ 47 C.F.R. §§ 1.58, 1.1203. In accordance with the purpose of section 1.58 of the Commission’s rules, comments submitted on any Commission blog pages during the quiet period will not be considered by the Commission in finalizing the item under consideration.